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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/051,243

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Maurice Israel

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8007

7590 07/10/2008  
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EXAMINER

MCINTOSH III, TRAVIS C

ART UNIT

PAPER NUMBER

1623

MAIL DATE

DELIVERY MODE

07/10/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/051,243

**Applicant(s)**

ISRAEL ET AL.

**Examiner**

TRAVISS C. MCINTOSH III

**Art Unit**

1623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 15 and 16 is/are allowed.  
6) ☒ Claim(s) 13 and 14 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-8508)  
4) ☐ Interview Summary (PTO-413)  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_  
Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

The indicated allowability of claims 13-14 is withdrawn in view of the newly discovered reference(s). Rejections based on the newly cited reference(s) follow.

Claims 1-12 have been canceled.

#### ***Claim Rejections - 35 USC § 103***

Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blache et al. (US 5,523,322 – art of record) in view of either of Li et al. (Accession number 1998334761) or Rao et al. (Accession number 97018149). It is noted that the examiner is in the process of obtaining the full references, and these will be provided in the next communication to applicants.

The claims of the instant application are drawn to methods of treating Alzheimer's disease with various compounds of formula I or II.

Blache et al. teach that compounds of formula I or II are effective in inhibiting platelet aggregation. What is not taught is to treat Alzheimer's disease.

Li et al. teaches that human platelets contain alpha, beta, and gamma secretase activities and are a suitable system to study amyloid precursor protein processing and A $\beta$  production, a pathway which is considered to be a prime target for therapeutic intervention in Alzheimer's disease.

Likewise, Rao et al. teaches Alzheimer's patient have functionally abnormal platelets and that treatment with agonists of platelet aggregation in patients with AD is contemplated.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the platelet aggregation inhibitors of Blache et al. in treating Alzheimer's disease with these references before them. Li et al. and Rao et al. teach that patients with Alzheimer's disease have faulty platelets and Li teaches that this pathway is a target for therapeutic intervention in AD. One would be motivated to use the compounds of Blache et al. based upon a similar function required by the methods of Li and Rao. It is noted that applicants declaration filed is seen to be an opinion without any objective evidence which relates to Alzheimer's disease and platelet aggregation.

### ***Conclusion***

Claims 15-16 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TRAVISS C. MCINTOSH III whose telephone number is (571)272-0657. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia A. Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Traviss C McIntosh III/  
Examiner, Art Unit 1623  
July 7, 2008